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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/540,502 | 03/31/2000 | Thomas G. Brewer | 8374 | 4129 |

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EXAMINER

NGUYEN, PHUOC H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2143

DATE MAILED: 07/21/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/540,502

Applicant(s)

BREWER ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on May 13, 2003, (Paper No. 7). Claims 1,6,11,16, and 18 have been amended. Claims 1-20 are presented for further consideration and examination

Response to Arguments

2. Applicants' arguments have been fully considered but they are not persuasive.

Applicants argued that Horowitz et al. U.S. Patent 6,349,290 does not teach concurrent customer interactions. This is not found persuasive. Horowitz teaches identifying a customer associated with the interactions, wherein the interactions are occurring concurrently (Figure 7; col. 4, 3rd paragraph; col. 5, 1st paragraph; col. 10, lines 66 through col. 11, lines 13; and col. 12, 2nd paragraph; col. 5, lines 21-38; col. 11, lines 14-26; col. 15, lines 9-41). For further explain, Horowitz's system is capable of taking initiative and initiating contact with the customer during a session that the customer initiates.

Applicants still have failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

Claims 2-5,7-10,12-15,17, and 19-20, is rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action [see Paper No. 6]

According, rejections for claims 1-20 are presented as below.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Horowitz et al. U.S. Patent 6,349,290.

5. Referring to claims 1, 6, and 11, Horowitz reference disclose a plurality of devices interfaced to said customer (Figure 6); identifying a first interaction on a first channel and a second interaction on a second channel (Figures 3,5, and 6; col. 11, 2nd paragraph); identifying a customer associated with the interactions, wherein the interactions are occurring concurrently (Figure 7; col. 4, 3rd paragraph; col. 5, 1st paragraph; col. 10, lines 66 through col. 11, lines 13; and col. 12, 2nd paragraph; col. 5, lines 21-38; col. 11, lines 14-26; col. 15, lines 9-41); recording a dialogue corresponding to the first and second interactions (col. 18, lines 58 through col. 19, lines 14; and col. 22, last paragraph); and using the dialogue to modify at least one of the interactions (col. 11, lines 27-35; and col. 22, last paragraph).

6. Referring to claims 2, 7, and 12, Horowitz reference disclose using the dialogue to modify at least one of the channels (col. 17, lines 31 through col. 18, lines 7).

7. Referring to claims 3,9, and 15, Horowitz reference disclose identifying a first subject matter associated with the first interaction and a second subject matter associated with the second

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interaction (col. 7, lines 63 through col. 8, lines 9); connecting a first service provider to the first interaction based upon the first subject matter and the first channel, and connecting a second service provider to the second interaction based upon the second subject matter and the second channel (col. 8, lines 1-9); and alerting the service providers to take a plurality of actions with the customer based upon the interactions, the channels, the subject matters, the business policies and the customer profiles. (Figure 12; col. 18, last paragraph through col. 19, 1st paragraph; col. 26, lines 34 through col. 27, lines 33).

8. Referring to claims 4,9,14, and 19, Horowitz reference disclose enforcing a plurality of business policies for each of the channels and each of the interactions (Figures 10, and 33; col. 31, lines 8-26; and col. 41, lines 50-61); and enforcing a plurality of customer profiles for each of the channels and each of the interactions (Abstract; figure 9; col. 13, lines 45-47; and col. 28, 4th paragraph).

9. Referring to claim 5, Horowitz reference disclose alerting the first service provider to take a plurality of actions with the customer based upon the first interaction, the first channel, the first subject matter, the business policies, and the customer profiles (Figure 12; col. 18, last paragraph through col. 19, 1st paragraph; col. 26, lines 34 through col. 27, lines 33).

10. Referring to claims 8, and 13, Horowitz reference disclose means for storing a customer profile associated with each of the interactions (Figure 9, col. 13, lines 45-57); and means for retrieving the customer profile associated with each of the interactions (col. 4, lines 42-58; and col. 31, 3rd paragraph).

11. Referring to claim 16, Horowitz reference disclose providing a customer profile database (Figure 13; and col. 32, lines 25-36); storing in the customer profile database a plurality of

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concurrent dialogues occurring with a customer (Figure 9; col. 13, lines 45-57; col. 5, lines 21-38; col. 11, lines 14-26; col. 15, lines 9-41); initiating a service provider (Figure 5); and establishing an interaction initiated by the service provider with a customer extracted from the customer profile database wherein the interaction occurs over a channel (Figures 9, and 10; and col. 13, lines 45 through col. 14, lines 65).

12. Referring to claim 17, Horowitz reference disclose extracting a customer profile from the customer profile database (Figures 9, and 10); enforcing a plurality of business policies for the interaction and the channel (Figures 10, and 33; col. 31, lines 8-26; and col. 41, lines 50-61); and enforcing the customer profile for the interaction and the channel (Abstract; figure 9; col. 13, lines 45-47; and col. 28, 4th paragraph).

13. Referring to claim 18 is rejected under the same rational set forth above to combination of claims 1, and 3.

14. Referring to claim 20 is rejected under the same rational set forth above to claim 5. In addition further disclose alerting the second service provider to take a plurality of actions with the customer based upon the second interaction, the second channel, the second subject matter, the business policies, and the customer profiles, which is also taught by Horowitz (col. 17, lines 31-46).

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ikudome (U.S. Patent 5,845,070)

Iyengar (U.S. Patent 5,961,601)

Ingrassia, Jr. et al (U.S. Patent 6,035,332)

Dias et al. (U.S. Patent 6,170,017)

Hunt et al. (U.S. Patent 6,223,215)

Walter et al. (U.S. Patent 6,334,110)

Cockrill et al. (U.S. Patent 6,473,740)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4:30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Phuoc H. Nguyen
Examiner
Art Unit 2143

July 16, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100